

1 RONALD F. LOPEZ, CA BAR NO. 11756, rflopez@thelen.com
2 THELEN REID BROWN RAYSMAN & STEINER LLP
3 101 Second Street, Suite 1800
4 San Francisco, CA 94105-3606
5 Tel. 415.371.1200
6 Fax 415.371.1211

7 ROBERT E. KREBS, CA BAR NO. 57526, rkrebs@thelen.com
8 CHRISTOPHER L. OGDEN, CA BAR NO. 235517, cogden@thelen.com
9 THELEN REID BROWN RAYSMAN & STEINER LLP
10 225 West Santa Clara Street, Suite 1200
11 San Jose, CA 95113-1723
12 Tel. 408.292.5800
13 Fax 408.287.8040

14 *Attorneys for Plaintiffs*

15 *XANTREX INTERNATIONAL AND XANTREX TECHNOLOGY INC.*

16 UNITED STATES DISTRICT COURT
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA

18 XANTREX INTERNATIONAL, a foreign
19 partnership, and

20 XANTREX TECHNOLOGY INC., a
21 Washington corporation,

22 Plaintiffs,

23 vs.

24 POWER-ONE INC., a Delaware corporation,

25 Defendant.

Case No. 07-04958

04958

MEJ

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

ORIGINAL
FILED

07 SEP 25 PM 3:31

RICHARD L. HARRIS
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ADR
FILING

PARTIES, JURISDICTION, AND VENUE

1
2
3 1. Plaintiff Xantrex International is a partnership organized under the laws of
4 Barbados, between Xantrex International SRL, a Barbados company, and Xantrex Technology
5 (BVI) Inc., a corporation of the British Virgin Islands. Xantrex International has a place of
6 business at Suite No. 3, Stafford House, The Garrison, St. Michael, Barbados.

7 2. Plaintiff Xantrex Technology Inc. ("Xantrex Technology") is a corporation
8 organized under the laws of the state of Washington, having a place of business in the Northern
9 District of California at 161 S. Vasco Rd. G, Livermore, California, 94551.

10 3. On information and belief, defendant Power-One Inc. ("Power-One") is a Delaware
11 corporation having a regular and established place of business at 3945 Freedom Circle, Suite 450,
12 Santa Clara, CA 95054.

13 4. On information and belief, Power-One designs, develops, manufactures, markets,
14 and sells power conversion products and other products in California, and within the Northern
15 District of California. Such products include the PVI-5000 and the PVI-6000.

16 5. This action arises under the patent laws of the United States (Title 35 of the United
17 States Code).

18 6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1338(a).

19 7. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b)-(c), 1400(b).

20
21 **COUNT ONE: PATENT INFRINGEMENT**

22 8. Paragraphs (1) through (7) are incorporated by reference herein.

23 9. On July 19, 2005, the U.S. Patent and Trademark Office ("USPTO") issued U.S.
24 Design Patent D507,528 S (the "'528 patent"), entitled "Solar Powered Inverter," to inventors
25 Alexander Jeffrey Feldman and Whing-Bun Lowe. The '528 patent is appended hereto as Exhibit
26 A. It claims a new, original, and ornamental design for solar power inverters, an important
27 component of home solar power systems.

28 10. Plaintiff Xantrex International is the sole owner of the '528 patent.

1 11. Xantrex Technology has an exclusive distributorship agreement with Xantrex
2 International for the sale and distribution of products under the '528 patent.

3 12. Power-One markets, distributes, and sells solar power inverters covered by the
4 claim of the '528 patent, including two products known as the PVI-5000 and PVI-6000.

5 13. Power-One has infringed and induced others to infringe the '528 patent by making,
6 using, selling, and offering to sell the PVI-5000 and PVI-6000 products within the United States,
7 and/or importing products into the United States, covered by the claim of the '528 patent.

8 14. Power-One's infringement has been willful, and continues to be willful, and on
9 information and belief, Power-One will continue to infringe the '528 patent unless enjoined by this
10 Court.

11 15. Power-One's infringement has caused and will continue to cause Xantrex
12 International and Xantrex Technology to sustain substantial damages in an amount to be proven at
13 trial, and to sustain irreparable harm to their business, reputation, and goodwill, for which there is
14 no adequate remedy at law.

15
16 WHEREFORE, Xantrex International and Xantrex Technology request:

17 1. A temporary restraining order and preliminary injunction enjoining Power-One and
18 its affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees,
19 successors, assigns, and all those acting on behalf of any of them, or in concert with them, from
20 infringing the '528 patent during the pendency of this action;

21 2. A permanent injunction enjoining Power-One and its affiliates, subsidiaries,
22 officers, directors, employees, agents, representatives, licensees, successors, assigns, and all those
23 acting on behalf of any of them, or in concert with them, from infringing the '528 patent;

24 3. Compensatory damages and its costs with interest;

25 4. Treble damages for Power-One's willful infringement;

26 5. Reasonable attorneys' fees under 35 U.S.C. § 285; and

27 6. Such other relief as the Court deems just and proper.
28

JURY DEMAND

Xantrex International and Xantrex Technology demand a trial by jury on all issues so triable.

Dated: September 25, 2007

THELEN REID BROWN RAYSMAN & STEINER

By: Christopher L. Ogden
Christopher L. Ogden

*Attorneys for plaintiffs Xantrex International and
Xantrex Technology Inc.*